

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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SHOW CAUSE HEARING

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IN THE MATTER OF: :  
: :  
Case #14-AUD-00020 :  
Tropicalia Project, LLC :  
t/a Bossa Brazilian Bistro :  
2463 18th Street NW :  
License #84505 :  
Retailer CR ANC 1C :  
Failed to Meet Food Sale Req :  
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July 16, 2014

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The Alcoholic Beverage Control  
Board met in Alcoholic Beverage Control  
Hearing Room, Reeves Building, 2000 14th  
Street N.W., Washington, D.C., Ms. Ruthanne  
Miller, Chair, presiding.

**PRESENT:**

**RUTHANNE MILLER, Chairperson**

**NICK ALBERTI, Member**

**DONALD BROOKS, Member**

**HECTOR RODRIGUEZ, Member**

**JAMES SHORT, Member**

**MIKE SILVERSTEIN, Member**

P-R-O-C-E-E-D-I-N-G-S

9:55 a.m.

CHAIR MILLER: Next case is Case  
No. 14-AUD-00020, Bossa Brazilian Bistro,  
located at 2463 18th Street, Northwest,  
License #84505 and ANC 1C.

MR. STERN: Michael Stern with the  
District of Columbia.

MR. DePINHO: Good morning.

CHAIR MILLER: Good morning.

MR. DePINHO: Wagman DePinho.

CHAIR MILLER: I'm sorry, I missed  
your name.

MR. DePINHO: Wagman DePinho.

CHAIR MILLER: Got it, okay.  
Thank you, and Mr. DePinho, did you receive  
notice of this hearing?

MR. DePINHO: Yes, and also, I  
want to state here the date is wrong.

MR. STERN: I'll take care of that  
in a second.

CHAIR MILLER: Okay.

1                   MR. DePINHO: It says January 2014  
2 to December 2014.

3                   CHAIR MILLER: Okay, Mr. Stern is  
4 going to take care of that.

5                   Did you read it and understand the  
6 notice?

7                   MR. DePINHO: Yes.

8                   CHAIR MILLER: Okay, so, there is  
9 no issue of notice in this case.

10                  Mr. Stern, are there any  
11 preliminary matters?

12                  MR. STERN: There are two  
13 preliminary matters.

14                  CHAIR MILLER: Okay.

15                  MR. STERN: As the owner just  
16 mentioned, the dates are wrong and the  
17 Government would move to amend the petition to  
18 say January 2013 through December 2013,  
19 instead of 2014. There appears to have been  
20 a typographical error.

21                  CHAIR MILLER: Where is that?

22                  MR. STERN: On the charge in the

1 Statement of Charges, in the explanation of  
2 charges.

3 CHAIR MILLER: Okay.

4 MR. STERN: And the charges.  
5 Sorry, in the charge itself.

6 MR. DePINHO: Yes.

7 MR. STERN: The period of January  
8 1, 2014 it says. It should be 2013, to  
9 December 31, 2014 it says. It should be 2013.

10 CHAIR MILLER: Okay, anything  
11 else?

12 MR. STERN: Yes, there is --

13 CHAIR MILLER: Okay.

14 MR. STERN: -- a second  
15 preliminary matter.

16 With that amendment, the parties  
17 have reached an agreement which we'll accept  
18 as an offer in compromise.

19 The offer of compromise would be  
20 that the Respondent would pay a fine of \$1,500  
21 within 30 days to resolve this charge.

22 CHAIR MILLER: Fifteen-hundred

1       dollars within how many days?

2                   MR. STERN:   Thirty days.

3                   CHAIR MILLER:   Thirty days.

4                   MR. DePINHO:   Fifteen or 16?

5                   CHAIR MILLER:   Fifteen?

6                   MR. DePINHO:   Fifteen-hundred.

7                   CHAIR MILLER:   Mr. DePinho, Mr.

8       Stern has represented that you have an  
9       agreement for an offer in compromise for you  
10      to pay \$1,500 within 30 days.  Is that your  
11      agreement?

12                   MR. DePINHO:   Yes, I mean, I spoke  
13      to -- I think -- the other officer.

14                   CHAIR MILLER:   You --

15                   MR. DePINHO:   Agreed.

16                   CHAIR MILLER:   You agreed to that,  
17      and you understand you waive your right to a  
18      hearing if you enter into an offer in  
19      compromise.

20                   (OTR comment)

21                   CHAIR MILLER:   Okay, you need to  
22      say it on the record.  That doesn't get your

1	nod.
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2 MR. DePINHO: Say it?

3 CHAIR MILLER: You need to say  
4 'yes' on the record.

5 MR. DePINHO: Yes.

6 CHAIR MILLER: And also, do you  
7 agree to the amendment that Mr. Stern has  
8 made?

9 MR. DePINHO: Yes, even it's  
10 wrong, to change the date to 2013, not 2014,  
11 as in here.

12 CHAIR MILLER: Okay, so, you agree  
13 that he -- this charged -- that he has amended  
14 it to make it accurate?

15 MR. DePINHO: Yes.

16 CHAIR MILLER: Yes? Okay, are  
17 there any questions from Board Members?

18 MEMBER RODRIGUEZ: So, Madam  
19 Chair?

20 CHAIR MILLER: Yes.

21 MEMBER RODRIGUEZ: So, that charge  
22 has -- that has been cleared then? That date?

1 CHAIR MILLER: The charge has been  
2 declared -- has been corrected to reflect the  
3 right date.

4 MR. STERN: The correct dates.

5 MEMBER RODRIGUEZ: Okay, Mr.  
6 DePinho, you are -- you agree with that?  
7 That's your --

8 MR. DePINHO: Yes, suppose to  
9 change that.

10 MEMBER RODRIGUEZ: Okay.

11 MR. DePINHO: So, that would be  
12 that.

13 MEMBER RODRIGUEZ: Okay, just want  
14 to be clear, okay.

15 CHAIR MILLER: All right, okay.  
16 Then at this point, I would move to approve  
17 the offer in compromise of the fine of \$1,500  
18 payable within 30 days. Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIR MILLER: Mr. Silverstein  
21 seconded the motion. All those in favor say  
22 'aye'.



1 ALL: Aye.

2 CHAIR MILLER: All those opposed?  
3 All those abstaining. The motion passes 5-0-  
4 0.

5 (OTR comments)

6 MEMBER RODRIGUEZ: Are you going  
7 to?

8 CHAIR MILLER: No, you can.

9 MEMBER RODRIGUEZ: Okay, before we  
10 dismiss the Licensee, I'd like to remind the  
11 Licensee that if at the end of next year,  
12 you're not compliant with the restaurant  
13 requirements, your licensee is subject to  
14 revocation.

15 CHAIR MILLER: Okay, all right?

16 MEMBER RODRIGUEZ: So, that's it.  
17 Actually, that's six months from today.

18 CHAIR MILLER: Okay.

19 (Whereupon, the above-entitled  
20 matter went off the record at 10:00 a.m.)  
21  
22

<hr/> <b>A</b> <hr/> <b>\$1,500</b> 5:20 6:10 8:17 <b>a.m</b> 3:2 9:20 <b>above-entitled</b> 9:19 <b>abstaining</b> 9:3 <b>accept</b> 5:17 <b>accurate</b> 7:14 <b>agree</b> 7:7,12 8:6 <b>agreed</b> 6:15,16 <b>agreement</b> 5:17 6:9 6:11 <b>ALBERTI</b> 2:12 <b>Alcoholic</b> 1:3,17,18 <b>amend</b> 4:17 <b>amended</b> 7:13 <b>amendment</b> 5:16 7:7 <b>ANC</b> 1:11 3:6 <b>appears</b> 4:19 <b>approve</b> 8:16 <b>aye</b> 8:22 9:1	<b>charged</b> 7:13 <b>charges</b> 5:1,2,4 <b>clear</b> 8:14 <b>cleared</b> 7:22 <b>Columbia</b> 1:1 3:8 <b>comment</b> 6:20 <b>comments</b> 9:5 <b>compliant</b> 9:12 <b>compromise</b> 5:18 5:19 6:9,19 8:17 <b>Control</b> 1:3,17,18 <b>correct</b> 8:4 <b>corrected</b> 8:2 <b>CR</b> 1:11	<b>Food</b> 1:12 <hr/> <b>G</b> <hr/> <b>going</b> 4:4 9:6 <b>Good</b> 3:9,10 <b>Government</b> 4:17 <hr/> <b>H</b> <hr/> <b>hearing</b> 1:5,19 3:17 6:18 <b>HECTOR</b> 2:14 <hr/> <b>I</b> <hr/> <b>issue</b> 4:9 <hr/> <b>J</b> <hr/> <b>JAMES</b> 2:15 <b>January</b> 4:1,18 5:7 <b>July</b> 1:14 <hr/> <b>K</b> <hr/> <hr/> <b>L</b> <hr/> <b>License</b> 1:11 3:6 <b>licensee</b> 9:10,11,13 <b>LLC</b> 1:9 <b>located</b> 3:5 <hr/> <b>M</b> <hr/> <b>Madam</b> 7:18 <b>matter</b> 1:8 5:15 9:20 <b>matters</b> 4:11,13 <b>mean</b> 6:12 <b>Meet</b> 1:12 <b>Member</b> 2:12,13,14 2:15,16 7:18,21 8:5,10,13,19 9:6,9 9:16 <b>Members</b> 7:17 <b>mentioned</b> 4:16 <b>met</b> 1:18 <b>Michael</b> 3:7 <b>MIKE</b> 2:16 <b>Miller</b> 1:21 2:11 3:3,10,12,15,22 4:3,8,14,21 5:3,10 5:13,22 6:3,5,7,14	6:16,21 7:3,6,12 7:16,20 8:1,15,20 9:2,8,15,18 <b>missed</b> 3:12 <b>months</b> 9:17 <b>morning</b> 3:9,10 <b>motion</b> 8:21 9:3 <b>move</b> 4:17 8:16 <hr/> <b>N</b> <hr/> <b>N.W</b> 1:20 <b>name</b> 3:13 <b>need</b> 6:21 7:3 <b>NICK</b> 2:12 <b>nod</b> 7:1 <b>Northwest</b> 3:5 <b>notice</b> 3:17 4:6,9 <b>NW</b> 1:10 <hr/> <b>O</b> <hr/> <b>offer</b> 5:18,19 6:9,18 8:17 <b>officer</b> 6:13 <b>okay</b> 3:15,22 4:3,8 4:14 5:3,10,13 6:21 7:12,16 8:5 8:10,13,14,15 9:9 9:15,18 <b>opposed</b> 9:2 <b>OTR</b> 6:20 9:5 <b>owner</b> 4:15 <hr/> <b>P</b> <hr/> <b>P-R-O-C-E-E-D-...</b> 3:1 <b>parties</b> 5:16 <b>passes</b> 9:3 <b>pay</b> 5:20 6:10 <b>payable</b> 8:18 <b>period</b> 5:7 <b>petition</b> 4:17 <b>point</b> 8:16 <b>preliminary</b> 4:11 4:13 5:15 <b>PRESENT</b> 2:9 <b>presiding</b> 1:21 <b>Project</b> 1:9	<hr/> <b>Q</b> <hr/> <b>questions</b> 7:17 <hr/> <b>R</b> <hr/> <b>reached</b> 5:17 <b>read</b> 4:5 <b>receive</b> 3:16 <b>record</b> 6:22 7:4 9:20 <b>Reeves</b> 1:19 <b>reflect</b> 8:2 <b>remind</b> 9:10 <b>represented</b> 6:8 <b>Req</b> 1:12 <b>requirements</b> 9:13 <b>resolve</b> 5:21 <b>Respondent</b> 5:20 <b>restaurant</b> 9:12 <b>Retailer</b> 1:11 <b>revocation</b> 9:14 <b>right</b> 6:17 8:3,15 9:15 <b>RODRIGUEZ</b> 2:14 7:18,21 8:5,10,13 9:6,9,16 <b>Room</b> 1:19 <b>Ruthanne</b> 1:20 2:11
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